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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HUNTSINGER, PETER K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/061,155

Applicant(s)

SHIRAIWA, YOSHINOBU

Examiner

Peter K. Huntsinger

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51 and 53-59 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 51 and 53-59 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 51 and 53-59 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51, 53, 54 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiohara Patent No. 6,618,553 in view of Fults Patent No. 5,327,529.

Referring to **claim 51**, Shiohara '553 discloses an image pickup apparatus comprising: an image pickup unit for obtaining a digital image (col. 4, lines 4-6, CCD 2 for converting image pickup light);

an interface for connecting to a storage medium which stores the digital image obtained by said image pickup unit (col. 4, lines 6-9, signal processing section 3 outputs processed signal to frame memory 6);

a reproducing unit for reading out the digital image stored in the storage medium via said interface and causing a display apparatus to display the read-out image (col. 4, lines 35-37, frame memory 6 used as image display memory of LCD 16);

an operation unit for effecting a changeover operation of an image to be displayed on the display apparatus (Fig. 7(b));

a single manually operable designating unit for designating the image displayed on the display apparatus as a print subject for a printer communicating with said image pickup apparatus (button 17 or 18 of Fig. 7(b), col. 8, lines 48-51, if user presses either button 17 or 18, the print image selection means 453 assumes the candidate image to be selected);

a display control unit for, if said single manually operable designation unit provides a first designation after said image pickup apparatus is connected with the external printer, controlling the display apparatus so as to display a print setting screen for displaying a predetermined print condition and a temporarily selected menu for instructing execution of a printing operation so that the displayed print condition is selectable in accordance with operations of said single manually operable designation unit (col. 8, lines 48-57, displays output method specification menu) and another operation unit comprising an operation button (col. 8-9, lines 63-67, 1-7, buttons 18 and 19 used to increment and decrement the number of print sheets) and the print setting screen indicates that the predetermined print condition displayed thereon is selected to execute printing of the image displayed by the display apparatus (col. 9, lines 33-37, output unit selections are previously registered); and

a printing control unit for instructing the external printer to print the image displayed by the display apparatus, in accordance with said single manually operable designating unit providing a designation after the print setting screen is displayed (col.

9, lines 46-55, if the user presses button 17 or 18, the output unit is set. The user is able to utilize button 17 for switching to the print setting screen and for printing and button 18 for setting the parameters or vice versa),

Shiohara '553 does not disclose expressly using default selections for print conditions, and applying the default print conditions if the designation unit provides a second designation without any other interposing manual operation.

Fults '529 discloses

wherein said display control unit displays the print setting screen in accordance with the first designation to display a menu for instructing execution of a printing operation to the external printer, as a default menu selected in the displayed print setting screen (Fig. 7b, col. 8, lines 48-57, displays output method specification menu); and

wherein the print condition displayed in the print setting screen can be selected by operation of an operation member different from said single manually operable designating unit, while said display control unit is causing the display apparatus to display the print setting screen (col. 8-9, lines 63-67, 1-7, buttons 18 and 19 used to increment and decrement the number of print sheets).

Shiohara '553 does not disclose expressly printing without requiring any other manual operation performed between the first and second designations.

Fults '529 discloses wherein the print setting screen indicates that the predetermined print condition displayed thereon is selected as a default selection condition displayed thereon is selected as a default selection to execute printing of the

image displayed by the display apparatus (Fig. 19, col. 23, lines 46-65, dialog box includes default options); and

wherein said print control unit instructs the execution of the print operation based on the default selection of the predetermined print condition to the external printer if said single manually operable designation unit provides a second designation successively to the first designation without interposing any other manual operation by the another operation unit between the first and second designations (Fig. 19, col. 23, lines 46-65, dialog box summoned when a user selects the print command [by clicking mouse button] includes default options selected when users clicks print button [by subsequently clicking mouse button]).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to provide default print settings and allow a user to print using the default settings when a button is pressed twice without the user pressing any other buttons. The motivation for doing so would have been to provide an optimal user interface for experienced users as well as novices unsure of what to do. Therefore, it would have been obvious to combine Fults '529 with Shiohara '553 to obtain the invention as specified in claim 51.

Referring to **claim 53**, Shiohara '553 discloses a print setting screen but does not disclose expressly a selection item of cancellation.

Fults '529 discloses a selection item of cancellation (Fig. 19, col. 23, lines 46-65, dialog box includes cancel option).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to provide a cancellation item in a menu. The motivation for doing so would have been to allow the user to stop an unwanted action. Therefore, it would have been obvious to combine *Fults* '529 with *Shiohara* '553 to obtain the invention as specified in claim 53.

Referring to **claim 54**, see the rejection of claim 51 above.

Referring to **claim 56**, see the rejection of claim 53 above.

Referring to **claim 57**, see the rejection of claim 51 above.

Referring to **claim 58**, see the rejection of claim 51 above.

4. Claims 55 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shiohara* Patent No. 6,618,553 and *Fults* Patent No. 5,327,529 as applied to claims 51 and 54 above, and further in view of *Kobayashi* Patent No. 6,930,717.

Referring to **claim 55**, *Shiohara* '553 discloses wherein the print setting screen is arranged so as to display a menu for instructing execution of a printing operation, but does not disclose expressly displaying another menu.

Kobayashi '717 discloses wherein a print setting screen is arranged so as to display a menu for instructing execution of a printing operation, and another menu, the menu for instructing execution of the printing operation being selected as a default menu in the displayed print setting screen (Fig. 5A and B, col. 4-5, lines 61-67, 1-7, menu screen has camera menu and print menu).

At the time of the invention, it would have obvious to a person of ordinary skill in the art to include another menu on a camera. The motivation for doing so would have been to provide addition options for the user to customize. Therefore, it would have been obvious to combine Kobayashi '717 with Shiohara '553 and Fults '529 to obtain the invention as specified in claim 55.

Referring to **claim 59**, see the rejection of claim 55 above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter K. Huntsinger/
Examiner, Art Unit 2625

/David K Moore/
Supervisory Patent Examiner, Art Unit 2625